



DECISION MEMO

NFSR 5216-E and 5216-E1 Road Use Permit



USDA Forest Service, Northern Region
North Fork Ranger District
Nez Perce-Clearwater National Forests
Clearwater County, Idaho

I. Decision

I have decided to authorize the issuance of a five-year Road Use Permit (RUP) to Idaho Department of Lands (IDL) for use of Forest System Roads (FSR) 5216-E and 5216-E1 located on the North Fork Ranger District in, Township 37 North, Range 6 East, Sections 25 (Boise Meridian).

IDL is requesting the use of FSR 5216-E (0.1 miles) and 5216-E1 (0.2 miles) to access State land located at the end of the 5216-E1 for a timber harvest scheduled for summer 2016, with prescribed burning and tree planting conducted after the timber harvest. (See Correction below.) Tree planting would be completed by winter of 2021. Both roads are native surface ridge top roads with no water crossings.

Both roads are currently closed yearlong to all motorized vehicles (open seasonally to snowmobiles) due to soil and water concerns. The permit will allow IDL administrative and commercial use of the roads by logging trucks and support vehicles during the closure period. Access restrictions for the public will not change.

IDL will maintain the road through roadside brush removal, culvert maintenance, ditch cleaning and road grading. Equipment such as a road grader, rubber tire backhoe and mechanical brusher would be used to accomplish road maintenance. All road maintenance activities will be required to follow Forest Service Road Maintenance Specifications and Best Management Practices, which would be included in the road use permit. FSR 5216 and 5216-E will be inspected by Forest Service personnel periodically to ensure road conditions were being maintained per the specifications in the road use permit.

Correction: After further discussions with IDL, it was ascertained that IDL will not be conducting the timber harvest or related activities as originally presented in the May 27, 2016 scoping letter. The corrected proposal is – *IDL is requesting the use of FSR 5216-E (0.1 miles) and 5216-E1 (0.2 miles) to access State land located at the end of the 5216-E1 for administrative purposes.* All of the other activities, i.e. issuance of a 5-year permit, road maintenance, design criteria, etc., would remain as specified in the scoping letter. Since the correction of this error does not alter the intent of the proposed action, i.e. the issuance of a Road Use Permit to the State of Idaho, the project will not be rescoped.

Design Criteria and Mitigation Measures

The project includes the design criteria identified below. These are not all-inclusive, as the Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended).

1. Require timber sale purchaser or stewardship contractor to post warning signs advising of equipment operations or hazards for public safety.
2. Certify that rock used for surfacing is free of noxious weed seed.
3. Remove all mud, soil, and plant parts from off road equipment before moving into project area to limit the spread of noxious weeds. Conduct cleaning off National Forest lands.
4. Restrict activities when soils are wet to prevent resource damage (indicators include excessive rutting, soil displacement, and erosion).
5. Close existing gate (consistent with current motor vehicle restrictions) daily during non-operating hours.
6. Snow removal shall be done in a manner to preserve and protect the roads, to the extent necessary, to insure safe and efficient transportation and to prevent excessive erosion damage to roads, streams, and adjacent lands.
7. Dust abatement shall be maintained as needed throughout the duration of operations.

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(15) *Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, including the Forest Plan, (5) the on-the-ground review and discussion with resource specialists, and (6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Forest Interdisciplinary (ID) Team Botanist determined the project would have "no effect" to federally listed plant species and/or their habitats, and "no impact" on Regional Forester's sensitive species or their habitats.

The IDT Wildlife Biologist determined the proposed action would have “no effect” to Canada lynx and “no jeopardy” to North American wolverine or their habitats. A “may adversely impact individuals or habitat” determination was made for flammulated owl, fisher, fringed, long-eared and long-legged myotis, gray wolf, and Western (boreal) toad. Overall, the effects would be minor, of short duration, and would not result in a loss of species viability in the planning area, nor cause a trend towards federal listing or a loss of species viability range wide.

The ID Team Fish Biologist determined the proposed actions would have “no effect” on bull trout, steelhead trout, and fall chinook salmon, federally threatened species, because the species and designated critical habitat do not occur within the project area. The biologist also determined the proposed actions would have “no impact” on R1 Sensitive species or their habitats since the species do not occur within the project area.

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Botany, Wildlife and Fishery Biological Assessments and Evaluations and specialists’ reports in the project record.

2. Floodplains, wetlands, or municipal watersheds.

No floodplains, wetlands or designated municipal watersheds exist in the project area, therefore no direct, indirect or cumulative significant adverse effects to these resources are expected for this project. The proposed project is consistent with all applicable State and Federal water quality laws for water resources. The activities are also consistent with soil and water standards in the Clearwater National Forest Plan, including the PACFISH amendment. Forest Service Maintenance Specifications and Best Management Practices (BMPs) for Water Quality, specifically those for road use/maintenance and hazardous spills, will be included in the road use permit. Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area, downstream waters, or resources in floodplains, wetlands, and municipal watersheds, thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 31.2.2.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

The project area is not located within a congressionally designated area, and therefore, no extraordinary circumstances were identified to these resources.

4. Inventoried roadless areas or potential wilderness areas.

The project is not located in a roadless area or potential wilderness area; therefore, the proposed action will have no effect on Roadless characteristics as identified in 36 CFR 294.

5. Research Natural Areas.

The project is not within or adjacent to any Research Natural Area, and therefore, no extraordinary circumstances were identified to this resource.

6. American Indians and Alaska native religious or cultural sites.

The Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect cultural properties. As a result, a *No Inventory Decision* has been made. Therefore, no extraordinary circumstances were identified to native religious or cultural sites.

7. Archaeological sites, or historical properties or areas.

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

III. Interested and Affected Agencies, Organizations, and Persons Contacted

On May 27, 2016, a letter providing information and seeking public comment was mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene Tribes. Three letters regarding this project were received during the public comment period and are addressed in Appendix A.

IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that the FSR 5216-E and 5216-E1 Road Use Permit project is consistent with applicable Federal laws and regulations.

National Forest Management Act and Clearwater National Forest Plan: This action is consistent with the the Clearwater National Forest Plan (USDA Forest Service 1987b), as amended, as required by the National Forest Management Act of 1976 because it follows the standards and guidelines contained in those plans.

Forest Plan Amendment 20 - PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action comply with direction regarding PACFISH because no effects to wildlife or fish species or habitat are anticipated, and no soil disturbance will occur.

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

Migratory Bird Treaty Act: This project complies with the Migratory Bird Treaty Act (MBTA) since it will result in no substantial loss of migratory bird habitat, nor will there be any measurable impact(s) on Neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the MBTA to federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

Clean Air Act: This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) because no effects to air quality are anticipated and no prescribed burning is planned.

Clean Water Act and State Water Quality Laws: The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, and state and federal water quality laws because this proposal will have no significant effects to the water quality of area or downstream waters.

National Historic Preservation Act: Because no cultural properties are located within the area of potential effects, the Forest Cultural Resource Specialist has made a “no historic properties affected” determination for the project per the North Idaho Programmatic Agreement.

Therefore, this project meets the agency’s responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

American Indian Treaty Rights: The Nez Perce and Coeur d’Alene Tribal staffs have had the opportunity to review the project for impacts to Nez Perce and Coeur d’Alene Tribes’ Treaty rights or Nez Perce and Coeur d’Alene Tribal members’ abilities to exercise those rights. The Nez Perce and Coeur d’Alene Tribes did not identify any concerns.

No effects to watershed resources, fisheries, wildlife or plant resources will occur as a result of the proposed actions. By ensuring viability of all species and protection of watershed resources, the proposed actions are consistent with treaty obligations and trust responsibilities.


Environmental Justice: The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

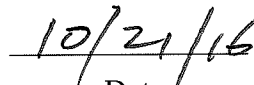
Other Laws or Requirements: The proposed action is consistent with all other Federal, State, or local laws or requirements for the protection of the environment and cultural resources.

V. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce–Clearwater Supervisor’s Office, 903 Third Street, Kamiah, Idaho 83536 or by telephone at (208) 935-4260 or FAX at (208) 935-4275 during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

VI. Signature of Deciding Officer


ANDREW SKOWLUND
North Fork District Ranger


Date

cc: Travis Mechling

Enclosure: Project Map

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FSR 5216-E and 5216-E1 Road Use Permit Project Map

